

SUFFOLK COUNTY**MOTOR VEHICLE**

Passenger — U-Turn — Speeding — Sideswipe — Multiple Vehicle

Motorist initiated crash during U-turn, defendant contended**SETTLEMENT** \$75,000

CASE Deborah Furman v. Bryan Lattka,
No. 26488/08
COURT Suffolk Supreme
JUDGE Peter H. Mayer
DATE 8/3/2011

PLAINTIFF
ATTORNEY(S) Jason Herbert, Krentsel & Guzman, LLP,
New York, NY

DEFENSE
ATTORNEY(S) Jozef K. Goscilo, Law Office of Andrea
G. Sawyers, Melville, NY (John Furman,
Michael Furman)
David J. Sobel, David J. Sobel, P.C.,
Smithtown, NY (Bryan Lattka)

FACTS & ALLEGATIONS On Oct. 31, 2007, plaintiff Deborah Furman, 50, a nursing home recreation aide and child-care worker, was a passenger in a vehicle driven by her son, Michael Furman, who was in a motor vehicle accident with a vehicle driven by Bryan Lattka near the home of family members at 213 Center Lane, in Levittown. The front driver's side bumper and fender on Michael Furman's car struck the passenger side of Lattka's truck.

Deborah Furman sued Lattka, alleging that Lattka was negligent in the operation of his vehicle. Michael Furman and his vehicle's owner, John Furman, were named as third-party defendants.

Plaintiff's counsel argued that as Michael Furman pulled out of the parking spot, he was stopped in the street attempting to make a U-turn when the contact occurred between the vehicles. Plaintiff's counsel argued that Lattka was traveling at an excessive rate of speed and failed to take any measures to avoid the contact with the Furman vehicle.

Defense counsel for Lattka contended that Michael Furman failed to see his vehicle before he proceeded from a parked position and that the Furman vehicle pulled out of a parked position and rubbed against the passenger side doors of his truck. According to defense counsel for Lattka, photographs of the vehicles supported his description of the accident. The level of Furman's bumper lined up with the height of the crease created on Lattka's passenger doors. There also was evidence of rust on Furman's vehicle that Furman claimed was from the accident, but defense counsel argued that rust could not have occurred in such a short period of time

following the accident.

Defense counsel also reported that Deborah and Michael Furman claimed that the accident was medium to heavy but the lack of significant damage supported Lattka's testimony that the impact was very light.

Defense counsel for Lattka noted that Deborah Furman and Michael Furman's testimony conflicted, but that Deborah Furman's testimony was more consistent with Lattka's testimony.

Defense counsel for Michael Furman claimed that he had moved 50 feet down the road and was starting to make a three-point turn when Lattka attempted to pass him on his driver's side.

INJURIES/DAMAGES *arthroscopy; bulging disc, lumbar; debridement; meniscectomy; sprain, cervical; sprain, lumbar; strain, cervical; strain, lumbar; synovectomy; torn anterior cruciate ligament; torn medial meniscus*

The trial was bifurcated. Damages were not before the court.

Deborah Furman claimed that she sustained a strain and sprain to her neck and back and disc bulges from L2 to S1. She also claimed that she tore her left anterior cruciate ligament and the posterior horn of her medial meniscus. She underwent an arthroscopy to her left knee with a synovectomy, a partial medial meniscectomy, a partial lateral meniscectomy and debridement of the patellofemoral joint. It was unknown what future treatment Furman would require, but she might need surgery to her knee.

Furman claimed that she suffers continuing neck and back pain, knee pain, and an inability to sit, stand or walk for prolonged periods of time or distances. She sought recovery of damages for her past and future pain and suffering.

RESULT The jury rendered a mixed verdict. It found that John and Michael Furman were liable for the accident, and no liability was assigned to Lattka. Prior to the scheduled start of the trial's damages phase, the parties negotiated a settlement. The insurer of John and Michael Furman agreed to pay \$75,000.

INSURER(S) Progressive Casualty Insurance Co. for
Lattka
Travelers Property Casualty Corp. for John
Furman and Michael Furman

PLAINTIFF
EXPERT(S) Dov J. Berkowitz, M.D., orthopedics,
Kew Gardens, NY

DEFENSE
EXPERT(S) Steven L. Mendelsohn, M.D., radiology,
Plainview, NY
Robert Michaels, M.D., orthopedics,
Mineola, NY

EDITOR'S NOTE This report is based on information that was provided by plaintiff's counsel and Lattka's counsel. The remaining defendants' counsel did not respond to the reporter's phone calls.